

## ***REMARKS***

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1, 3, 4, 7, and 12-40 are pending.

Claim 3 stands rejected under 35 U.S.C. §112, second paragraph. Applicants respectfully traverse this rejection.

Applicants did not entirely understand the Examiner's comments on page 2 of the November 19, 2007 Office Action concerning this rejection. However, Applicants have amended claim 3 in an attempt to alleviate the Examiner's concerns. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection, or provide further clarifying comments and/or suggestions regarding this rejection.

Claims 1, 3, 4, 7 and 12-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Newman (USP 6,353,890), in view Timmermans (USP 5,737,286). Applicants respectfully traverse this art grounds of rejection.

The Examiner notes that column 6, lines 45-50 of Newman disclose access control information stored in some area not directly accessible by a standard reading device such as the lead-in, lead-out or pre-gap area. Column 6, lines 50-54 further state that the access control information might be a license code for the party making use of the system for copy protecting record carriers and/or may be indicative of the error pattern used to copy protect the data recorded on the recording medium. This is described in more detail in column 10. In particular,

the Examiner points to column 10, lines 65-66. Column 10, line 59 – column 11, line 8 of Newman recite:

The access control for a computer program may be effected as follows. The information carrier contains the computer program, while some essential data are included in the access control information. The computer program may be encrypted itself, while a short startup program takes the place of the program and controls the access to the main program. The access control information may be, for example, a decoding key, a serial number or access code or, possibly, a small part of the program code (a subroutine, object or module). Needing these essential data, the program can only function well if both the information and the access control information are available. The startup program may read access control information from a hidden place on the record carrier, such as a the license code included in the system area 22 (see FIG. 2) and/or further access data files. Thereafter the presence of the error pattern may be verified as described above.

Based on the above discussion, it is clear that Newman teaches recording copy protection information for use in encrypting/decrypting data in the lead-in area of the recording medium. However, conspicuously absent from Newman is any disclosure or suggestion of “copy protection indicating information indicating whether or not the computer readable medium contains copy protection information,” as recited in claim 1. Newman does not include an indicator in the lead-in area that indicates whether the copy protection information is there or not. Instead, Newman only teaches providing copy protection information in the lead-in area.

From even a cursory review of Timmermans, it is clear that Timmermans does not overcome this disclosure and suggestion deficiency of Newman. The Examiner relies upon Timmermans as teaching the storage of a decryption key in the track wobble of an optical disc. However, this still fails to disclose or suggest copy protection indicating information being recorded in wobbled patterns if copy protection information is not present, or copy protection indication information and the copy protection information recorded in wobbled patterns if the copy protection information is present. Nor does this provide any teaching that the copy

protection indicating information is included within control information in the lead-in area.

Therefore, Newman in view of Timmermans cannot render claim 1 obvious to one skilled in the art.

Independent claim 7, 13, 19, 24, 30 and 36 include similar limitations to those discussed above with respect to claim 1 and are patentable at least for the reasons stated above with respect to claim 1.

The remaining pending claims depend upon one of the above discussed independent claims and are patentable at least for their dependency upon those independent claims.

***CONCLUSION***

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Gary D. Yacura, at the number of the undersigned listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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